

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

LEAF FUNDING INC.)	
)	
Plaintiff,)	
)	
v.)	Case No. 08 CV 4032
)	
MIDWEST OPEN MRI, INC.,)	
KUNDANKUMAR GIRI and)	
NIRANJANA GIRI,)	
)	
Defendants.)	

JOINT MOTION TO ENTER STIPULATION REGARDING SERVICE

Defendants Midwest Open MRI, Inc., Kundankumar Giri and Niranjana Giri, by their attorneys, Jerry A. Esrig, Robert J. Zaideman and Zaideman & Esrig, P.C., and plaintiff LEAF Funding, Inc. (“Leaf”), by its attorneys, Michael H. McColl and Foran Glennon, Palendech & Ponzi PC move this Court to enter the accompanying Stipulation Regarding Service. In support, the parties state as follows:

1. Defendants sent the Summonses and Complaint in this matter to the defendants by certified mail return receipt requested. These were received by the defendants on or about July 21, 2008.

2. The parties have a dispute over whether defendants were properly served under Rule 4 of the Federal Rules of Civil Procedure.

3 The parties have agreed to resolve this dispute by treating the Summonses and Complaints mailed to the defendants as Requests for Waiver of Service under Rule 4(d)(1) and defendants have agreed to waive service under Rule 4(d)(3).

4. The Stipulation Regarding Service sets forth the parties agreement and establishes the date on which responsive pleadings are due pursuant to Rule 4.

WHEREFORE, defendants Midwest Open MRI, Inc., Kundankumar Giri and Niranjana Giri and plaintiff LEAF Funding, Inc. Pray that this Court enter the accompanying Stipulation Regarding Service.

/s/ Jerry A. Esrig
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